

1402961-Court-A-U.S.

ROGER A. MOORE  
ATTORNEY AT LAW  
PO DRAWER 886  
JACKSONVILLE, NC 28540-0000

IN RE  
ALFONZA AKEEN MITCHELL, II  
135 PINE CREST DRIVE

JACKSONVILLE, NC 28546  
SSN or Tax I.D. XXX-XX-2237

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ERIKA NATAASHA MITCHELL  
135 PINE CREST DRIVE

JACKSONVILLE, NC 28546  
SSN or Tax I.D. XXX-XX-1874

U.S. Bankruptcy Court  
P.O. Box 791  
Raleigh, NC 27602

Chapter 13  
Case Number: 14-02961-5-RDD

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

Joseph A. Bledsoe, III, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 10/30/2014, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court  
PO Box 791  
Raleigh, NC 27602

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addresses:

Debtor(s):  
ALFONZA AKEEN MITCHELL, II  
135 PINE CREST DRIVE  
JACKSONVILLE, NC 28546

Attorney:  
ROGER A. MOORE  
ATTORNEY AT LAW  
PO DRAWER 886  
JACKSONVILLE, NC 28540-0000

Trustee:  
Joseph A. Bledsoe, III  
P.O. Box 1618  
New Bern, NC 28563

-----  
ERIKA NATAASHA MITCHELL  
135 PINE CREST DRIVE  
JACKSONVILLE, NC 28546

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: September 29, 2014

Joseph A. Bledsoe, III  
Chapter 13 Trustee  
P.O. Box 1618  
New Bern, NC 28563

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
NEW BERN DIVISION**

**IN RE:**

**CASE NUMBER: 14-02961-5-RDD**

**ALFONZA AKEEN MITCHELL, II  
ERIKA NATAASHA MITCHELL**

**CHAPTER 13**

**DEBTOR(S)**

**MINUTES OF 341 MEETING AND  
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on June 23, 2014, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C. §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:

\$430.00	for	57	Months
	for		Months
	for		Months
	for		Months

5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before September 22, 2014 (“Bar Date”) shall be disallowed. Claims of governmental units, proofs of which are not filed before November 18, 2014 (“Government Bar Date”) shall be disallowed;
7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:

- a. Claims to be paid directly by the Debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

- b. Continuing Long Term Debts to be paid by the Trustee:

**IF A PROOF OF CLAIM IS TIMELY FILED** the claim is to be paid on a monthly basis according to the terms of the contract effective the first month after confirmation. Arrearages, if any, are to be paid over the life of the plan. Two post-petition contractual payments shall be included in the administrative arrearage claim. **The Debtor is to resume direct payments upon completion of plan payments.**  
**(SEE PARAGRAPH 8 BELOW)**

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

- c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#029 High Point Furniture	Household goods	\$2,924.00 @ 5.25% to be paid over life of plan
#034 Navy FCU	'08 Chevrolet Malibu	\$12,668.81 @ 5.25% to be paid over life of plan

- d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
NONE			

Pursuant to Local Rule 3070-1(b) some secured creditors may be entitled to pre-confirmation adequate protection payments.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with Local Rule 3070-2.
9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as "Surrender," upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property "for cause" under §362(a)(1), as allowed by Local Rule 4001-1(b).

NONE

Reference herein to “Direct” or “Outside” or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7 and 9 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased/Contracted For</u>	<u>Treatment</u>
#008 Coldwell Banker	Residential lease	Assume

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. That confirmation of the Plan vests all property of the estate in the debtor(s);
15. That the attorney for the debtor(s) is requesting fees in the amount of \$3,700.00. The Trustee recommends to the Court a fee of \$3,700.00. If the recommended fee is different from that requested an explanation can be found in Exhibit ‘A’.

s/ Joseph A. Bledsoe, III  
 Joseph A. Bledsoe, III  
 Standing Chapter 13 Trustee

**EXHIBIT 'A'****CASE NUMBER: 14-02961-5-RDD**

**DEBTORS:** ALFONZA AKEEN MITCHELL, II  
ERIKA NATAASHA MITCHELL

**EMPLOYMENT:**

Debtor: SOCIAL SECURITY GROSS INCOME: \$12,528.00  
Spouse: MCCS/MCDONALDS \$29,856.00

**Prior Bankruptcy cases:** Yes  No  If so, Chapter filed

Disposition:

**Real Property:** House and Lot  Mobile home  Lot/Land  Mobile Home/Lot

Description: NONE

FMV	Date Purchased
Liens	Purchase Price
Exemptions	Improvements
Equity	Insured For
Rent	Tax Value

**COMMENTS:**

<b>Attorney Fees:</b>	Requested: \$3,700.00	(excluding filing fee)
	Paid: \$50.00	(excluding filing fee)
	Balance: \$3,650.00	

**Trustee's Recommendation:** \$3,700.00

Comments:

**Plan Information:**

<u>Plan Information:</u>		<u>After 341</u>	<u>Payout % After 341</u>	
Total Debts	\$67,283.74	Pay in	\$24,510.00	Priority 100.00%
Priority	\$3,650.00	Less 6.00%	\$1,470.60	Secured 100.00%
Secured	\$17,734.89	Subtotal	\$23,039.40	Unsecured 3.80%
Unsecured	\$45,898.85	Req. Atty. Fee	Incl. w/ claims	Joint %
Joint Debts		Available	\$23,039.40	Co-Debts %
Co-Debtor				

**Objection to Confirmation:** **Payroll Deduction:** Yes  No

Pending: SEE COURT DOCKET

Resolved: SEE COURT DOCKET

**Motions Filed:** Yes  No

If so, indicate type and status: SEE COURT DOCKET

Hearing Date:

**CERTIFICATE OF MAILING**

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CASE: 1402961	TRUSTEE: 2V	COURT: 278	Page 1 of 3
TASK: 09-26-2014.00452388.LSA000		DATED: 09/29/2014	
Court	Served Electronically		
Trustee	Joseph A. Bledsoe, III	P.O. Box 1618 New Bern, NC 28563	
Debtor	ALFONZA AKEEN MITCHELL, II	135 PINE CREST DRIVE JACKSONVILLE, NC 28546	
Joint	ERIKA NATAASHA MITCHELL	135 PINE CREST DRIVE JACKSONVILLE, NC 28546	
799	000002 ROGER A. MOORE PO DRAWER 886	ATTORNEY AT LAW JACKSONVILLE, NC 28540-0000	
009	000018 CREDIT COLLECTION SERVICES	P O BOX 9134 NEEDHAM HEIGHTS, MA 02494-9134	
059	000061 ATLAS ACQUISITIONS, LLC	294 UNION ST. HACKENSACK, NJ 07601	
058	000060 ATLAS ACQUISITIONS, LLC	294 UNION ST. HACKENSACK, NJ 07601	
019	000027 FEDERAL LOAN SERVICES	PO BOX 69184 HARRISBURG, PA 17106	
020	000028 DEPT OF EDUCATION P O BOX 69184	FEDLOAN SERVICING HARRISBURG, PA 17106-9184	
011	000020 DELBERT SERVICES/CONSU	RODNEY SQUARE N 1100 N M WILMINGTON, DE 18901	
031	000006 IRS PO BOX 21126	CENTRALIZED INSOLVENCY OPPERATIONS PHILADELPHIA, PA 19114-0326	
055	000009 US ATTORNEY GENERAL 10TH STREET & CONSTITUTION AVE NW	ROBERT F. KENNEDY BLDG WASHINGTON, DC 20530	
002	000012 CAPITAL BANK	1 CHURCH ST ROCKVILLE, MD 20850	
034	000004 NAVY FEDERAL CREDIT UNION	PO BOX 3000 MERRIFIELD, VA 22119-3000	
035	000039 Navy Federal Credit Union	PO Box 3000 Merrifield, VA 22119-3000	
036	000040 NAVY FEDERAL CREDIT UNION	PO BOX 3000 MERRIFIELD, VA 22119-3000	
003	000013 CAPITAL ONE	PO BOX 85520 RICHMOND, VA 23286	
052	000010 U S ATTORNEY'S OFFICE STE 800 FEDERAL BLDG	310 NEW BERN AVE RALEIGH, NC 27601-1461	
043	000045 ONSLOW MEMORIAL HOSPITAL	PO BOX 2858 RALEIGH, NC 27602	
038	000008 NC DEPT OF REVENUE P O BOX 1168	ATTN: BANKRUPTCY UNIT RALEIGH, NC 27602-1168	
014	000023 DUKE HEALTH RALEIGH HOSPITAL	3400 WAKE FOREST ROAD RALEIGH, NC 27609-7317	
037	000007 NC DEPARTMENT OF COMMERCE, DES	P.O. BOX 26504 RALEIGH, NC 27611-6504	
015	000049 DUKE PRIVATE DIAGNOSTIC, LLC	PO BOX 900002 RALEIGH, NC 27675-9000	
012	000021 DUKE CENTER FOR VISION CORRECTION	3475 ERWIN RD DURHAM, NC 27705	

**CERTIFICATE OF MAILING**

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TASK: 09-26-2014.00452388.LSA000		DATED: 09/29/2014	
013	000022	DUKE CENTER FOR VISION CORRECTION	3475 ERWIN RD DURHAM, NC 27705
016	000024	DUKE UNIVERSITY HEALTH SYSTEM	5213 SOUTH ALSTON AVENUE DURHAM, NC 27713
042	000044	ONSLOW MEMORIAL HOSPITAL	PO BOX 75107 CHARLOTTE, NC 28275
021	000029	FINANCIAL DATA SYSTEMS	1638 MILITARY CUTOFF RD WILMINGTON, NC 28403
054	000056	UNIVERSITY PROFESSIONAL SERVICES	2507 DELANEY AVE WILMINGTON, NC 28403
008	000059	COLDWELL BANKER/FOUNTAIN REALTY	255 WILLIAMSBURG PKWY JACKSONVILLE, NC 28540
032	000037	JOSEPH STROUD 323 NEW BRIDGE ST	ATTORNEY FOR ERIKA MITCHELL JACKSONVILLE, NC 28540
029	000003	HIGH POINT FURNITURE	2037 LEJEUNE BLVD JACKSONVILLE, NC 28540-0000
005	000015	COASTAL FINANCE	4370-A ARENDELL ST MOREHEAD CITY, NC 28557
004	000014	CAROLINA EAST UROLOGY	705 NEWMAN RD NEW BERN, NC 28562
017	000025	EASTERN CAROLINA PSYCHIATRIC	2800 VILLAGE WAY NEW BERN, NC 28562
040	000042	ONLINE COLLECTIONS	PO BOX 1489 WINTERVILLE, NC 28590
046	000048	PATRIOT LOAN COMPANY	PO BOX 811 SPARTANBURG, SC 29304-0811
006	000016	COASTAL RADIOLOGY ASSOC	PO BOX 3099 MYRTLE BEACH, SC 29578
007	000017	COASTAL RADIOLOGY ASSOC	PO BOX 3099 MYRTLE BEACH, SC 29578
061	000063	ASHLEY FUNDING SERVICES (LAB CORP) PO BOX 10587	RESURGENT CAPITAL SERVICES GREENVILLE, SC 29603-0587
056	000057	VERIZON WIRELESS	1 VERIZON PLACE ALPARETTA, GA 30004
048	000051	QUALITY RECOVERY SERVICES INC	P O BOX 519 LOVEJOY, GA 30250-0000
051	000054	QUALITY RECOVERY SERVICES INC	P O BOX 519 LOVEJOY, GA 30250-0000
025	000033	FIRST PROGRESS/FIRST EQUITY	1600 1ST AVE COLUMBUS, GA 31901
024	000032	FIRST PROGRESS CARD	PO BOX 84010 COLUMBUS, GA 31908
039	000041	NCC BUSINESS SVC	3733 UNIVERSITY BLVD W JACKSONVILLE, FL 32217
001	000011	AMERICAN ANESTHESIOLOGY	1301 CONCORD TERRACE FORT LAUDERDALE, FL 33323
033	000038	MERCHANTS ADJUSTMENT	56 N FLORIDA ST MOBILE, AL 36607-3108
018	000026	FAC/NAB	480 JAMES ROBERTSON PKWY NASHVILLE, TN 37219

**CERTIFICATE OF MAILING** 0015  
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TASK: 09-26-2014.00452388.LSA000		DATED: 09/29/2014	
044	000046	OPTIMA RECOVERY SERVIC	6215 KINGSTON PK STE A KNOXVILLE, TN 37919
041	000043	ONSLOW EMERGENCY DEPT PO BOX 50250	REVENUE RECOVERY CORP KNOXVILLE, TN 37950-0250
049	000052	REVENUE RECOVERY CORP	PO BOX 50250 KNOXVILLE, TN 37950-0250
060	000062	ONSLOW EMERGENCY DEPT PO BOX 50250	REVENUE RECOVERY CORP KNOXVILLE, TN 37950-0250
047	000050	PROGRESSIVE	PO BOX 182009 COLUMBUS, OH 43218-2009
050	000005	SPRINGLEAF FINANCIAL SERVICES	PO BOX 969 EVANSVILLE, IL 47706
063	000065	JEFFERSON CAPITAL SYSTEMS LLC	PO BOX 7999 SAINT CLOUD, MN 56302-9617
022	000030	FINGERHUT	6250 RIDGEWOOD RD ST. CLOUD, MN 56303
023	000031	FIRST PREMIER BANK	6015 S MINNESOTA AVE SIOUX FALLS, SD 57104
045	000047	OPTIMUM OUTCOMES	2651 WARRENVILLE RD, STE 500 DOWNERS GROVE, IL 60515
057	000058	AMERICAN INFOSOURCE LP P.O. BOX 248838	AS AGENT FOR VERIZON OKLAHOMA CITY, OK 73124-8838
026	000034	FORT SILL NATIONAL BANK 511 SW A AVE	ATTN: GENERAL MANAGER LAWTON, OK 73501
027	000035	FORT SILL NATIONAL BANK 511 SW A AVE	ATTN: GENERAL MANAGER LAWTON, OK 73501
053	000055	UNITED CONSUMER FINANCIAL 3936 E FT LOWELL RD STE 200	C/O BASS & ASSOC PC TUCSON, AZ 85712
010	000019	CREDIT ONE BANK	PO BOX 98875 LAS VEGAS, NV 89193
062	000064	WELLS FARGO BANK MAC P6053-021	PO BOX 5058 PORTLAND, OR 97208
064	000066	WELLS FARGO BANK MAC P6053-021	PO BOX 5058 PORTLAND, OR 97208
028	000036	QUANTUM3 GROUP LLC AS AGENT FOR PO BOX 788	MOMA FUNDING LLC KIRKLAND, WA 98083-0788
030	000053	ALTAIR OH XIII, LLC 2001 WESTERN AVENUE, STE. 400	C/O WEINSTEIN, PINSON AND RILEY, PS SEATTLE, WA 98121

69 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 09/29/2014.  
 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.  
 EXECUTED ON 09/29/2014 BY /S/EPIQ Systems, Inc.